

Message Text

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UNCLAS STUTTGART 118

E. O. 11652: N/A
TAGS: PINS GW
SUBJ: PRINZING REMOVED AS BAADER-MEINHOF JUDGE

REF: STUTTGART 1440

1. SUMMARY. ON JANUARY 20, 1977, SECOND SENATE OF OBERLANDES-
GERICHT STUTTGART FINALLY AGREED TO 85TH MOTION OF DEFENSE
ATTORNEYS IN BAADER-MEINHOF TRIAL TO REMOVE PRESIDING JUDGE
PRINZING ON ALLEGATIONS OF HIS PREJUDICIAL HANDLING OF CASE.
JUDGE EBERHARD FOTH, ONE OF THREE ASSOCIATE JUDGES IN TRIAL,
SUCCEEDED PRINZING. SENSATIONAL DECISION APPARENTLY PRE-
CIPITATED BY SEVERAL ILL-ADVISED REMARKS OF PRINZING TO PRESS
AND DEFENSE LAWYERS AND FACT THAT HE HAD GIVEN MATERIAL ON
TRIAL TO A JUDGE (MAYER) OF FEDERAL PENAL COURT IN KARLSRUHE
WHO, IN TURN, PASSED IT ON TO THE NEWSPAPER "DIE WELT". NO
END OF TRIAL YET IN SIGHT. END SUMMARY.

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2. 174TH DAY OF BAADER-MEINHOF TRIAL MARKED BY ALMOST SENSATIONAL
DECISION OF SECOND SENATE OF STUTTGART COURT OF
APPEALS (OBERLANDESGERICHT) TO REMOVE PRESIDING JUDGE PRINZING
FROM HIS POSITION IN TRIAL. COURT THUS GAVE IN TO 85TH MOTION
OF DEFENSE LAWYERS TO DECLARE PRINZING PREJUDICED IN TRIAL.

3. WHEN TRIAL RESUMED ON JAN 10 AFTER CHRISTMAS BREAK, IT

BECAME KNOWN THAT PRINZING HAD GIVEN MATERIAL ON BAADER-MEINHOF TRIAL TO FEDERAL JUDGE ALBRECHT MAYER WHO THEN PASSED IT TO "DIE WELT" CHIEF EDITOR, KREMP WHO HAD BELONGED TO THE SAME STUDENTS' ORGANIZATION AS MAYER. MATERIAL ALLEGEDLY STEMMED FROM MINUTES OF HEARINGS, ETC., AND ALLEGEDLY PROVED THAT DEFENDANT GUDRUN ENSSLIN'S DEFENSE LAWYER SCHILY HAD SMUGGLED HER MESSAGES OUT OF PRISON. ACCORDING TO A LETTER FROM MAYER TO KREMP, MATERIAL WAS INTENDED TO HELP KREMP IN DISPUTE WITH "DER SPIEGEL".

4. WHEREAS PREVIOUS ACCUSATIONS BY DEFENSE LAWYERS APPARENTLY LACKED ANY SEMBLANCE OF PROOF, COURT MOVED QUICKLY AGAINST FEDERAL JUDGE MAYER BY IMMEDIATELY TRANSFERRING HIM FROM THIRD SENATE, WHICH WOULD BE COMPETENT IN CASE OF AN APPEAL IN BAADER-MEINHOF TRIAL, TO FOURTH SENATE, WHICH DEALS WITH TRAFFIC VIOLATIONS. WHETHER MATERIAL MAYER GAVE TO KREMP ACTUALLY CONFIDENTIAL STILL TO BE DETERMINED BUT MAYER EXPECTED TO SUFFER SOME CONSEQUENCES.

5. AFTER MAYER'S TRANSFER, DEFENSE LAWYERS SCHILY AND HELDMANN REPEATED MOTION AGAINST PRINZING BY ACCUSING HIM OF HAVING HAD CONSTANT CONTACT WITH MAYER AND OF HAVING MAINTAINED A DUBIOUS "INFORMATION" RELATIONSHIP WITH HIM. IN ADDITION, SCHILY READ TO COURT STATEMENTS BY JOURNALISTS CONCERNING INCRIMINATORY REMARKS BY PRINZING WHICH, TWO DAYS LATER, LED TO HIS REMOVAL.

COMMENT: PRESS REACTION TO PRINZING'S REMOVAL EXPRESSES SATISFACTION OVER THIS DECISION IN VIEW OF ILL-ADVISED AND POS-UNCLASSIFIED

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SIBLY IMPROPER PRACTICES OF PRINZING. HOWEVER, PRESS ALSO REMINDS PUBLIC OF EXTREME DIFFICULTY OF TRIAL WHICH CONSTITUTES UNUSUAL PSYCHOLOGICAL BURDEN FOR PRESIDING JUDGE. NONE OF JUDGES PERMITTED ANY LEAVE DURING TRIAL WHICH HAS ADDED TO STRAIN. EXPECTATION IS THAT TRIAL CAN GO ON WITHOUT DELAY SINCE SUCCESSOR FOTH PARTICIPATED IN WHOLE TRIAL AND DOES NOT NEED ANY TIME TO STUDY UP. PACE OF TRIAL HAD SLOWED CONSIDERABLY IN RECENT MONTHS DUE IN PART TO PERSISTENCE OF DEFENSE IN NOT GETTING TIRED AND BORED WITH MAKING THE SAME CHARGES OVER AND OVER AGAIN. EVENTUALLY IT PAID OFF. DISMISSAL OF PRINZING AT THIS STATE ALSO OPENS DOOR TO POSSIBLY SUCCESSFUL APPEAL BY DEFENSE ON GROUNDS THAT ENTIRE TRIAL HANDLED IN PREJUDICIAL MANNER. EVERYBODY HEDGING BETS ON WHEN TRIAL WILL ACTUALLY END SINCE DEFENSE COULD CONTINUE ITS CHALLENGES TO PROSECUTION WITNESSES WHICH ALREADY HAS EXTENDED TRIAL SEVERAL MONTHS BEYOND ITS ANTICIPATED END.
JENKINS

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